

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

Minutes – 28 July 1999  
426<sup>th</sup> Regular Meeting  
Water Quality Control Board  
Sacramento, California

**BOARD MEMBERS PRESENT**

Steve Butler, Chairman; Bill Porter, Vice Chairman; Chuck Ahlem, Susan Azevedo, and Craig Pedersen, Members; John Brown, SWRCB Liaison

**STAFF PRESENT**

Gary Carlton, Tom Pinkos, Loren Harlow, James Pedri, Ken Landau, Victor Izzo, Greg Vaughn, Phil Woodward, Craig Bunas, Louis Pratt, Sue McConnell, Polly Lowry, Inge Clarke; Frances McChesney and Tim Regan, Counsels-SWRCB

**OTHERS PRESENT**

Mike McElhiney, USDA-NRCS-Newman Drainage District, Modesto  
Amy Rocha, USDA-NRCS-Newman Drainage District, Modesto  
Johnny A. Gonzales, State Water Resources Control Board, Sacramento  
Elizabeth Sparkman, County of Sacramento, Sacramento  
Charles Marquez, Mayor, City of Newman  
Cleve Morris, City Manager, City of Newman  
Ernie Garza, Public Works Director, City of Newman  
John C. Rivers, City of Modesto  
Dan Hinrichs, DJH Engineering consultant for Modesto, Placerville  
Davis Stringford, City of Tulare, Fresno  
Roland D. Brooks, San Joaquin Valley Air Pollution Control District, Modesto  
Paul Bender, SMUD, Sacramento  
Katharine Wagner, attorney for SMUD, Sacramento  
Leslie Dunsworth, attorney for SMUD, Sacramento  
Harold Callahan, Tartaric Manufacturing Corp., Modesto  
Alex Bonecchi, Tartaric Manufacturing Corp., Modesto  
Robert Hines, Tartaric Manufacturing Corp., Modesto  
Gary Rubenstein, Sierra Research for Tartaric Manufacturing Corp., Sacramento  
David Deckman, Sierra Research for Tartaric Manufacturing Corp., Sacramento  
Howard Parkert, Vinichs, Fresno  
Don Mondani, Newton Copper Mine, Plymouth  
Doug Mondani, Newton Copper Mine, Dunbar  
Gerri Cassinelli, Newton Copper Mine, Tahoe City  
John Andrews, consultant for Newton Copper Mine, Redding  
Andy Candin, Cedar Point Properties, Inc., Paradise  
Thomas A. Venus, Metcalf & Eddy, consultants to Cedar Point Properties, Chico  
Bonnie Baker, attorney for Agricultural Management and Production Co., Inc., Redding  
Robert Smythe, Agricultural Management Production Co., Inc.  
Joe J. Machado, Lucky J Dairy, Manteca

Bruce and Joanne Kimbrough, Lucky J Dairy, Tracy  
Ed Hayden, attorney for Lucky J Dairy, Tracy  
Tom Applegate, Newman  
John & Lee Foster, Newman  
Bill Johnson, Carmichael  
Larry Ladd, Rancho Cordova  
Michael Ross, Newman  
Kathie Smith, Modesto Bee

## **APPROVAL OF MINUTES**

1. The minutes of the 425<sup>th</sup> Regular Meeting of 11 June 1999 were approved as written.

**MOTION:** By Mr. Pedersen, seconded by Mr. Porter, and  
unanimously approved.

2. The Board presented Resolutions of Appreciation and plaques to former Board Members Clifford Wisdom and Ed Schnabel. A special resolution was presented to Mr. Wisdom by the Executive Officer establishing the Wisdom Award.

## **PUBLIC FORUM**

3. Larry Ladd addressed the Board regarding his concerns on perchlorate in the Central Valley and the issue of drinking water standards for perchlorate.

## **UNCONTESTED ITEMS**

### **4. Uncontested NPDES Permits**

99-099 City of Tulare, Aquifer Storage and Recovery Demonstration Project, Tulare County  
99-100 Malaga County Water District, Wastewater Treatment Facility, Fresno County

**MOTION:** By Mr. Ahlem, seconded by Mr. Porter, and  
unanimously approved.

### **5. Waste Discharge Requirements Rescissions**

Shell Oil Company, Jewett and Olcese Leases, Round Mountain Oil Field, Kern County,  
Resolution No. 58-388  
W.E. Scroggins, Round Mountain Oil Field, Kern County, Order No. 74-182  
L.L. Smith Food Company, Lindsay, Tulare County, Order No. 74-367  
Mr. Jerry Brady, Kern Bluff Oil Field, Kern County, Order No. 78-190  
Mr. Harry Feder, Kern Bluff Oil Field, Kern County, Order No. 78-193  
Weir Floway, Inc. Fresno County, Order No. 95-243  
Midsun Partners, L.P. and LFC Power Systems Corporation, Kern County, Order  
No. 97-051

99-101

**MOTION:** By Mr. Porter, seconded by Mr. Pedersen, and

unanimously approved.

**6. Change of Name and/or Ownership for Waste Discharge Requirements**

The Wine Group, Inc., The Beverage Source, Order No. 92-120

99-102

**MOTION:** By Mr. Porter, seconded by Mr. Pedersen, and unanimously approved.

**7. Waste Discharge Requirements**

99-103 Sebastiani Vineyards, Inc., Waste Discharge to Land, San Joaquin County

99-104 Elk Grove Class III Landfill, Postclosure Maintenance, Sacramento County

99-105 State of California, Department of Corrections, Sierra Conservation Center, and Joseph Martin, Tuolumne County (amended)

99-106 Joseph Hannegan, Lakeside Trailer Park, Tulare County

99-107 Randy Cox and Diane Cox, Deer Creek R.V. Park, Tulare County

**MOTION:** By Mr. Pedersen, seconded by Mr. Porter, and unanimously approved.

**ENFORCEMENT****8. Tartaric Manufacturing Corporation, Inc., Stanislaus County – Consideration of Referral to the Attorney General for Civil Penalties**

A public hearing was held. The staff report was presented by Polly Lowry and Victor Izzo. The staff presentation, case file, and exhibits were entered into the record. Additional testimony was presented by Robert Hines and Gary Rubenstein, representing Tartaric; Cleve Morris and Charles Marquez, representing the City of Newman; Roland Brooks, San Joaquin Valley Air Pollution Control District; Lee Foster; Tom Applegate; and Michael Ross.

99-108

**MOTION:** By Mr. Pedersen, seconded by Mr. Porter, to adopt the resolution referring this matter to the Attorney General. Unanimously approved.

**9. Joe J. Machado, Lillian E. Machado, Bruce Kimbrough, Joanne Kimbrough, and Lucky J Dairy, San Joaquin County - Consideration of Resolution to Affirm Cleanup and Abatement Order No. 98-721**

A public hearing was held. The staff report was presented by Louis Pratt and Ken Landau. The staff presentation, exhibits and case file were entered into the record. Additional testimony was presented by Bruce Kimbrough and Ed Hayden for the Lucky J. Dairy.

99-109

**MOTION:** By Mr. Pedersen, seconded by Mr. Porter, to adopt the resolution affirming Cleanup & Abatement Order No. 98-721. Unanimously approved.

**10. Agricultural Management and Production Company, Inc., Afterthought Mine, Shasta County – Consideration of Administrative Civil Liability**

A public hearing was held. The staff report was presented by Craig Bunas and James Pedri. The staff presentation, exhibits, and case file were entered into the record. Additional testimony was presented by Bob Smythe and Bonnie Baker, representing the discharger who requested this matter be continued for six months.

**MOTION:** By Mr. Ahlem, seconded by Mr. Porter, to continue this matter until the 17 September 1999 Board meeting, requiring the discharger supply the financial records, by 1 September 1999, necessary to determine the mine's ability to pay, in order to allow staff time to review the documents before the Board meeting. Unanimously approved.

**11. Cedar Point Properties, Inc., Walker Mine, Plumas County – Consideration of NPDES Permit and Cease and Desist Order**

A public hearing was held. The staff report was presented by Phil Woodward, Patrick Morris, and Wendy Wyels. The staff presentation, exhibits, and case file were entered into the record. Additional testimony was presented by Thomas Venus and Andy Cardin, representing Cedar Point Properties. Mr. Cardin requested an extension of the deadline to pay the filing fee until 30 December and also to change the discharge category.

99-110 NPDES permit

**MOTION:** By Mr. Porter, seconded by Mrs. Azevedo, to adopt the NPDES permit as amended. Unanimously approved.

99-111 C&D Order

**MOTION:** By Mr. Porter, seconded by Mrs. Azevedo, to adopt the Cease and Desist Order as amended. Unanimously approved by roll call vote.

**NPDES PERMITS**

**12. City of Modesto, Water Quality Control Facility, Stanislaus County - Consideration of Revised NPDES Permit and New Waste Discharge Requirements**

A public hearing was held. The late revisions were presented by Greg Vaughn. No one appeared to contest the adoption of the proposed orders.

94-129 NPDES permit

**MOTION:** By Mr. Pedersen, seconded by Mr. Ahlem, to adopt the proposed NPDES permit. Unanimously approved.

99-112 WDRs

**MOTION:** By Mr. Pedersen, seconded by Mr. Ahlem, to adopt the proposed requirements as amended. Unanimously approved.

**13. Camino Penstock Stabilization Project, Sacramento Municipal Utility District, Layne Christensen**

**Company, Inc., El Dorado County**

No one appeared to contest the adoption of the proposed order.

99-113

**MOTION:** By Mr. Ahlem, seconded by Mr. Porter, to adopt the proposed NPDES permit as amended. Unanimously approved.

## **OTHER BUSINESS**

### **14. Newton Copper Mine, Amador County –Request by Discharger for Approval of Cleanup Plan**

The staff report was presented by Polly Lowry and Victor Izzo. The staff presentation, case file, and exhibits were entered into the record. Additional information was presented by Gerri Cassinelli and John Andrews, representing Newton Mine.

99-114

**MOTION:** By Mr. Pedersen, seconded by Mr. Porter, to adopt the resolution as presented requiring the discharger to comply with the Cleanup & Abatement Order and the Board staff's interpretation of Title 27 requirements relative to cleanup. Unanimously approved.

### **15. Consideration of Approval for the Ranking of Clean Water Act Sections 319(h) and 205(j) Grant Proposals**

The staff report was presented by Sue McConnell. No one appeared to discuss the proposed rankings.

**MOTION:** By Mr. Porter, seconded by Mrs. Azevedo, to approve the rankings as proposed. Unanimously approved.

16. The Board met in closed session during lunch to discuss ongoing litigation [authorized by Government Code 11126(e)]
17. Board Member Communications - Mr. Pedersen discussed the possibility of touring the Tulare Lake Drainage District area around the time of the October Board meeting. Mr. Ahlem updated the Board on the progress being made on the dairy quality assurance program.
18. The Board received the Executive Officers' Report
19. The meeting adjourned at 4:20 p.m. to the 17 September 1999 meeting in Sacramento